



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
980 Ninth Street, Suite 400
Sacramento, CA. 95814-2724

MAY 22 2003

IN REPLY REFER TO
HDA-CA
Document # 42307

Mr. Jeff Morales, Director
California Department of Transportation
1120 N Street
Sacramento, California 95814

Attention: Federal Resources Branch, Room 3500
For Kris Balaji, Transportation Programming

Dear Mr. Morales:

SUBJECT: FY 2002/03 FSTIP Amendment No. 3 – Kings County Association of Governments (KCAG)

We have completed our review of Amendment No. 3 to the KCAG 2002/03-2004/05 Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated April 14, 2003. KCAG adopted this amendment with Resolution No. 03-04, on March 26, 2003. For various projects in Kings County, this amendment transfers a total of \$4,975,000 of residual (prior years) STP and local match funding, and \$2,163,000 of residual (prior years) CMAQ and local match funding to the triennial element period of KCAG's FY 2002/03 FTIP.

KCAG has confirmed that this action is requested to program funding for projects that were not obligated prior to the expiration of KCAG's FY 2000/01 FTIP. KCAG further assures the federal agencies that moving funding for these projects from prior years to the current FTIP's triennial element period will not adversely affect the timely funding or implementation of other FY 2002/03 FTIP projects.

This letter constitutes approval and inclusion of KCAG's FTIP Amendment No. 3 into California's 2002/03 – 2004/05 Federal Statewide Transportation Improvement Program (FSTIP), excluding the following project:

MPO ID: CML509106

Description: Within Hanford, at 6th St. And Irwin St. Construct Park and Ride Lot

Agency: City of Hanford

Funding: CMAQ/Local

A primary purpose of the CMAQ program is to fund transportation projects and programs in non-attainment and maintenance areas that reduce transportation-related emissions. Projects funded under the CMAQ program must be expected to result in tangible reductions in carbon monoxide (CO), ozone precursor emissions, or particulate matter (PM-10) pollution.

"Park and Ride Lot" projects are not exempt from the requirement to determine conformity pursuant to the Transportation Conformity Rule Amendments, and are not consistent with the exempt project classifications listed under 40 CFR Part 93. For these reasons, we will not approve this project for inclusion in California's 2002/03 - 2004/05 FSTIP until a conformity analysis is provided to, and reviewed by the federal agencies.

Consistent with CMAQ eligibility information contained in the FHWA memorandum of January 29, 2003 (INFORMATION: Eligibility of Freight Projects and Diesel Engine Retrofit Programs), the following project is included in this approval action conditioned on the execution (prior to project implementation) of a public-private partnership agreement specifying roles and responsibilities of the organizations involved:

MPO ID: CML5091B

Description: On BNSF RR in Hanford Industrial Park NE corner of 11th Ave. and Idaho Ave.
Construct Rail Spur


Agency: City of Hanford

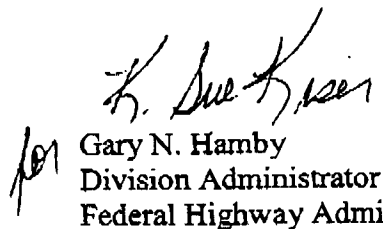
Funding: CMAQ/Local

We accept this amendment in accordance with the provisions of 23 CFR Part 450. We find that this FTIP amendment was developed through a continuing, cooperative, and comprehensive transportation planning process carried out in accordance with the provisions of 23 U.S.C. section 134, and section 8 of the Federal Transit Act (49 U.S.C. app. §1607). Based on our review, we find that FTIP Amendment No. 3, excluding the City of Hanford Park and Ride Lot project described above, conforms to the applicable State Implementation Plan (SIP) in accordance with the provisions of 40 CFR Parts 51 and 93 and in accordance with January 2, 2002, guidance *Revised Guidance for Implementing the March 1999 Circuit Court Decision Affecting Transportation Conformity* and the Environmental Protection Agency's May 14, 1999, guidance *Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision*. This approval was made after consultation with the Environmental Protection Agency (EPA) pursuant to the *Transportation Conformity Rule*.

If you have any questions, or need further information, please contact Leigh Levine of the Federal Highway Administration California Division office at (916) 498-5034.

Sincerely,


Leslie T. Rogers
Regional Administrator
Federal Transit Administration


for Gary N. Hamby
Division Administrator
Federal Highway Administration